

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRANDON TINGEY,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION H-07-2391
	§	
CITY OF SUGAR LAND, TEXAS	§	
<i>Defendant.</i>	§	

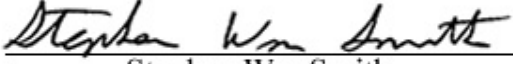
ORDER

This disability discrimination case is before the court on defendant City of Sugar Land's motion to compel production of documents from non-party Rosehill Volunteer Fire Department ("RVFD") (Dkt. 31). On June 29, 2007 the City served a subpoena on the custodian of records of RVFD pursuant to Federal Rule of Civil Procedure 45. The subpoena directed RVFD to produce documents and an executed business records affidavit on July 13, 2007. Neither RVFD nor plaintiff Tingey moved to quash the subpoena. Neither RVFD nor Tingey have timely responded to the current motion. *See* LOC. R. S.D. TEX. 7.3, 7.4. It is therefore

ORDERED that RVFD shall provide the documents requested by the subpoena, attached as Exhibit A to the City's motion, on or before November 30, 2007. RVFD shall also provide the executed business records affidavit on that date if factually appropriate. The City is ordered to serve a copy of this order on the custodian of records of RVFD at the address on the subpoena on or before November 9, 2007.

The City's request for sanctions is denied at this time.

Signed at Houston, Texas on November 6, 2007.



Stephen Wm Smith
United States Magistrate Judge